IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Un	ited States of America,)				
Plaintiff,) 8:05MJ157)			
	vs.) DETENTION ORDER)			
Ju	an Hernandez-Rodrigue	ez,)			
	Defendant	i.	'			
A.	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).					
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 					
C.	. Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following: _X (1) Nature and circumstances of the offense charged: _X (a) The crime:					
	(b) The c	mum penalty of offense is a crime of offense involves a na offense involves a la				
	X (3) The history	and characteristics or ral Factors: The defendant a may affect wheth The defendant he The defendant he The defendant he	inst the defendant is high. of the defendant including: ppears to have a mental condition which ner the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources.			

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			The defendant is not a long time resident of the	
			community. The defendant does not have any significant community	
			ties.	
			Past conduct of the defendant:	
			-	
		_	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. The defendant has a significant prior criminal record.	
		X	The defendant has a prior record of failure to appear at	
	(h)	At the ti	court proceedings. ime of the current arrest, the defendant was on:	
	(6)	——————————————————————————————————————	Probation Parole	
	(0)	Other F	Release pending trial, sentence, appeal or completion of sentence.	
	(6)		The defendant is an illegal alien and is subject to	
			deportation.	
		-	The defendant is a legal alien and will be subject to deportation if convicted.	
		X	·	
			(BICE) has placed a detainer with the U.S. Marshal.	
			Other:	
X (4)	X (4) The nature and seriousness of the danger posed by the defendant's release are as follows:			
			arrests - one prior felony conviction while on probation	
(E)	Dobus	ttabla D	recumptions	
(3)	(5) <u>Rebuttable Presumptions</u> In determining that the defendant should be detained, the Court also			
	relied on the following rebuttable presumption(s) contained in 18 U.S.C.			
			ch the Court finds the defendant has not rebutted:	
	(a)		condition or combination of conditions will reasonably	
			the appearance of the defendant as required and the	
	safety of any other person and the community because the Court finds that the crime involves:			
			(1) A crime of violence; or	
			(2) An offense for which the maximum penalty is life	
			imprisonment or death; or	
			(3) A controlled substance violation which has a maximum penalty of 10 years or more; or	

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	(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
(b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe: (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more. (2) That the defendant has committed an offense under
	18 U.S.C. § 924(c) (uses or carries a firearm during

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: November 7, 2005.

BY THE COURT:

and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or

s/ F. A. Gossett United States Magistrate Judge